

SECTION XIV RESIDENTIAL A ZONE USES

In the Residential A Zone, no building or structure shall be erected or altered and no building, structure or premises shall be used for any purpose except the following:

1. Not more than a one (1) family dwelling.
2. Any lawful municipal, religious, educational and nonprofit recreational purpose.
3. Accessory use on the same lot with and customarily incidental to any of the above permitted uses and not detrimental to a residential neighborhood. The term accessory uses shall include:
 - a. A garage for not more than four (4) automobiles.
 - b. The display and sale by the owner at a roadside stand or otherwise of natural products, the major portion of which is raised in the town. (Amended March 1995, deletion of some uses)
4. Any agricultural use and uses customarily incidental thereto except fur farms and piggeries.
5. Mobile homes shall be permitted as single family dwellings only in subdivisions established for the purpose of mobile home placement on individually owned lots.
 - a. Lot area and location-on-lot requirements for the placement of mobile homes on lots shall be the same as for all other single-family dwellings in Residential Zone A.
 - b. Mobile home structures shall have a minimum first floor area of 720 square feet per dwelling unit and any two-story mobile home shall have a minimum first floor area of 600 square feet.
 - c. The total minimum size for a plotted mobile home subdivision will be twenty (20) acres.
 - d. Before placement of a mobile home on a lot, the lot owner must obtain a Conditional Permit from the Building Inspector. The Conditional permit shall not serve as an Occupancy Permit, but will enable the lot owner to begin placement of the mobile home on the lot. A Conditional ninety (90) day temporary permit shall be issued upon:
 - 1) Delivery to the Building Inspector of an approved (by the NH Water Supply and Pollution Control Division) septic system design.
 - 2) A certification by the manufacturer that the mobile home is either BOCA certified or meets or exceeds the federal standards issued for mobile home construction issued under and pursuant to 24 CFR 201.520, not earlier than twelve (12) months prior to the date such a temporary permit is issued.
 - e. An Occupancy Permit must be obtained prior to the expiration of the ninety (90) day Conditional permit. In the event an Occupancy Permit is not obtained prior to the expiration of the ninety (90) day Conditional Permit, the Selectmen may, any time thereafter, upon thirty (30) days' written notice sent by certified mail, return receipt requested, to the holder of the Conditional Permit, commence action in Rockingham County Superior Court to remove said mobile home from said lot. An Occupancy Permit shall be issued for the mobile home in question upon satisfaction of the following conditions:
 - 1) The installation of a cement or cement block enclosed foundation upon which the mobile home rests.
 - 2) Proper anchorage and tie down of the unit to the foundation.

- 3) Inspection by the Building Inspector, Road Agent, Health Officer, and Fire Chief to ensure proper construction and installation of the foundation, septic disposal system, plumbing and electrical wiring. (Added March 1984, amended March 2012)

SECTION XV RESIDENTIAL A ZONE AREA REGULATIONS

1. Floor Area: Any one-story building or other habitation, erected, altered, or used for dwelling purposes shall provide a minimum first floor area of 720 square feet and any two-story building or other habitation, erected, altered, or used for dwelling purposes shall provide a minimum first floor area of 600 square feet, provided, however, that the Board of Adjustments may issue a permit for temporary occupancy of a building having less than the above area, such permit to be issued for a period of not more than two (2) years.
2. Lot Area: No building except those as allowed in Section XIV and its accessory buildings may be erected on a lot. Each lot shall have not less than 150 feet continuous frontage on a Class I, II, III, IV, or V Highway (Amended March 1988), and an area of not less than 60,000 square feet (Amended November 1986), based on the Model Subdivision Regulations for Soil Based Lot Size (Copy available through the Rockingham County Conservation District); (Amended March 1995) provided that one dwelling may be erected on a lot having lesser dimension if petitioner can show by recorded deed or plan that said lot existed at the time this bylaw was adopted.

Every lot shall be a minimum of one hundred twenty-five (125) feet wide at all locations measured from the frontage in a continuous line back one hundred (100) feet toward the rear of the lot along the side lot lines. All measurements are to be taken inside of the lot boundary lines. (Amended March 1998, amended March 2003) In a case in which the frontage is curved, such as along a cul-de-sac, the lot shall be a minimum of one hundred twenty-five (125) feet wide at all locations measured from a line tangent to the frontage curve in a continuous line back one hundred (100) feet toward the rear of the lot. (Amended March 2010)

3. Location on Lot: No building or structure, with exception to both tanks and leaching beds of a septic system, which is subject to the permitting requirements set forth in the current State of New Hampshire Building Code, (Amended March 2013) shall be within 65 feet of the centerline of the street. If the lot is a corner lot the 65-foot distance will be calculated from the numbered side of the house. (Amended March 1995) Side and rear setbacks shall be 25 feet from lot lines. Side and rear setbacks may be reduced to not less than five feet (5 ft.) for one (1) accessory storage structure less than 120 square feet in size. (Amended March 2000) Other accessory buildings and structures (i.e. decks of all sizes, storage sheds larger than 120 square feet in size, playhouses, carports, swimming pools, or similar type of construction) shall meet the above mentioned setback requirements. (Amended March 2013)
3. Height Restriction: No building or structure shall be more than two and one half (2 1/2) stories high, nor have a total height greater than 35 feet. (These restrictions do not apply to radio or television receiving antennas.) (Added March 1989, amended March 2003)

SECTION XVI RESIDENTIAL B ZONE USES

In the Residential B Zone, no building or structure shall be erected or altered and no building, structure or premises shall be used for any purpose except the following:

1. Not more than a two (2) family dwelling.
2. Any lawful municipal, religious, educational and nonprofit recreational purpose.
3. Accessory use on the same lot with and customarily incidental to any of the above permitted uses and not detrimental to a residential neighborhood. The term accessory use shall include:
 - a. A garage for not more than four (4) automobiles.

- b. The display and sale by the owner at a roadside stand or otherwise of natural products, the major portion of which is raised in the town. (Amended March 1995, deletion of some uses)
4. Any agricultural use and uses customarily incidental thereto, except fur farms and piggeries.
5. Mobile homes, however mounted, shall be prohibited from this district.

SECTION XVII RESIDENTIAL B ZONE AREA REGULATIONS

1. Floor Area: For each dwelling unit, any one-story building or other habitation, erected, altered, or used for dwelling purposes shall provide a minimum first floor area of 720 square feet and any two-story building or other habitation, erected, altered, or used for dwelling purposes shall provide a minimum first floor area of 600 square feet provided however, that the Board of Adjustments may issue a permit for temporary occupancy of a building having less than the above area, such permit to be issued for a period of not more than two (2) years.

2. Lot Area: No building except those as allowed in Section XVI and its accessory buildings may be erected on a lot. Each lot shall have not less than 150 feet continuous frontage on a Class I, II, III, IV, or V Highway, (Amended March 1988) and an area of not less than 60,000 square feet, based on the Model Subdivision Regulations for Soil Based Lot Size (Copy available through the Rockingham County Conservation District), for a one (1) family dwelling and 90,000 square feet for a two (2) family dwelling; (Amended November 1986, amended March 1995) provided that one dwelling may be erected on a lot having lesser dimension if petitioner can show by recorded deed or plan that said lot existed at the time this bylaw was adopted.

Every lot shall be a minimum of one hundred twenty-five (125) feet wide at all locations measured from the frontage in a continuous line back one hundred (100) feet toward the rear of the lot along the side lot lines. All measurements are to be taken inside of the lot boundary lines. (Amended March 1998, amended March 2003) In a case in which the frontage is curved, such as along a cul-de-sac, the lot shall be a minimum of one hundred twenty-five (125) feet wide at all locations measured from a line tangent to the frontage curve in a continuous line back one hundred (100) feet toward the rear of the lot. (Amended March 2010)

3. Location on Lot: No building or structure, with exception to both tanks and leaching beds of a septic system, which is subject to the permitting requirements set forth in the current State of New Hampshire Building Code, (Amended March 2013) shall be within 65 feet of the centerline of the street. If the lot is a corner lot the 65-foot distance will be calculated from the numbered side of the house. (Amended March 1995) Side and rear setbacks shall be 25 feet from lot lines. Side and rear setbacks may be reduced to not less than five feet (5 ft.) for one (1) accessory storage structure less than 120 square feet in size. (Amended March 2000) Other accessory buildings and structures (i.e. decks of all sizes, storage sheds larger than 120 square feet in size, playhouses, carports, swimming pools, or similar type of construction) shall meet the above mentioned setback requirements. (Amended March 2013)
4. Height Restrictions: No building or structure shall be more than two and one half (2 1/2) stories high nor have a total height greater than 35 feet. (These restrictions do not apply to radio or television receiving antennas.) (Added March 1989, amended March 2003)

SECTION XVIII RESIDENTIAL C ZONE USES

In the Residential C Zone, no building or structure or premises shall be erected or altered and no building, structure or premises shall be used for any purpose except the following:

1. A mobile home park.
2. Accessory use on the same lot with and customarily incidental to any of the above permitted uses and not

detrimental to a residential neighborhood. The term accessory use shall include:

- a. A central recreational building. (Amended March 1995, deletion of some uses)

SECTION XIX RESIDENTIAL C ZONE AREA REGULATIONS

1. Lot Area

- a. For a mobile home park with both a central sewage treatment facility and central water supply, each lot shall have not less than 100 feet frontage on a street or way and an area not less than 10,000 square feet. The sewage treatment facility and water supply shall comply with all applicable federal and state regulations.
 - b. For a mobile home park without both a central sewage treatment facility and central water supply, each lot shall have not less than 150 feet continuous frontage on a Class I, II, III, IV or V Highway (Amended March 1988) and an area not less than 60,000 square feet. (Amended November 1986)
2. Site plans shall be submitted to the Planning Board for review and approval prior to the commencement of any construction on the property.
 3. Height Restriction: No building or structure shall be greater than 15 feet high. (This restriction does not apply to radio or television receiving antennas.) (Added March 1989)

SECTION XX COMMERCIAL ZONE USES

In the Commercial Zone, no building or structure or premises shall be erected or altered and no building, structure or premises shall be used for any purpose except the following:

1. Any use permitted in Residential Zones A or B.
2. Retail business or service, except those listed under Section XXI below. (Amended March 1995)
3. The display of not more than 100 square feet of signage providing the sign is not oscillating, flashing or operated with moving parts and providing further that no sign shall be located closer than 50 feet from any Residential Zone. No sign shall be greater than 32 square feet in size. (Amended March 2003)
4. Office building(s). (Added March 1989)

SECTION XXI COMMERCIAL ZONE AREA REGULATIONS

1. The side yard shall be 50 feet on a side that abuts any Residential Zone; rear yard, 50 feet where it abuts any Residential Zone; plus adequate provisions for off-street parking, as determined by the Planning Board.
2. Buildings erected for residential purposes and their premises shall conform to the area regulations for the Residential Zones A or B.
3. The area of lots used for residential purposes within the Commercial Zone shall not be less than the area required in Residential Zones A or B.
4. Lot Area: Each lot shall have not less than 150 feet (Amended March 1999) contiguous frontage on a on a Class I, II, III, IV, or V Highway (Amended March 1989) and an area not less than 60,000 square feet, based on the Model Subdivision Regulations for Soil Based Lot Size (Copy available through the Rockingham County Conservation District). (Amended March 1995)

Every lot shall be a minimum of one hundred twenty-five (125) feet wide at all locations measured from the frontage in a continuous line back one hundred (100) feet toward the rear of the lot along the side lot lines. All measurements are to be taken inside of the lot boundary lines. (Amended March 1998, amended March 2003) In a case in which the frontage is curved, such as along a cul-de-sac, the lot shall be a minimum of one hundred twenty-five (125) feet wide at all locations measured from a line tangent to the frontage curve in a continuous line back one hundred (100) feet toward the rear of the lot. (Amended March 2010)

5. Location on Lot: No building shall be within 65 feet of the centerline of the street. If the lot is a corner lot the 65 foot distance will be calculated from the numbered side of the house. The side setback located on the unnumbered side of the house shall be 35 feet from the lot line. All other side and rear setbacks would remain the same (25 feet). (Amended March 2003)
6. Site plans shall be submitted to the Planning Board for review and approval prior to the commencement of any construction on the property.
7. No more than 60% of any lot in the Commercial Zone shall be covered. (Added March 1989)
8. Height Restriction: No building or structure shall be more than three (3) stories high, nor have a total height greater than 35 feet. (This restriction does not apply to elevator machinery rooms, air conditioners, heating systems, communication antennas, or radio or television receiving antennas.) (Added March 1989, amended March 2003)

SECTION XXII VILLAGE DISTRICT ZONE USES (Added March 2011)

1. DISTRICT OBJECTIVES

- a. Provide the opportunity for the integration of limited commercial, professional and service oriented business uses with those existing residential and civic uses situated in the Newton Village District.
- b. Recognize residential uses will continue to be an integral part of the Newton Village District.
- c. Create a framework by which a diverse mixture of residential and non-residential uses within the District remains sustainable.
- d. Encourage a complementary mix of residential and non-residential uses intended to support each other while affording employment opportunities and modest expansion of the Town's tax base.
- e. Preserve valuable historical, cultural and natural features, which define the rural character of Newton's Village District.
 - 1) Existing structures of historical significance, as may be identified in the Master Plan, should be preserved and reused where possible.
- f. Ensure permitted non-residential uses are compatible with continued residential uses in the Village District.

2. PERMITTED USES

- a. Single unit dwellings and accessory buildings.
- b. Farms, farm uses and customary farm occupations other than commercial piggeries and mink farms.
- c. Home Occupations and Home Based Businesses, subject to the provisions of Section XII of this Ordinance.

- d. Accessory Apartments, subject to the provisions of Section XIII of this Ordinance.
- e. Elderly Housing, subject to the provisions of Section XXXII of this Ordinance.

The following list is an example of permitted uses subject to Site Plan Review and approval by the Planning Board:

- f. Multiple-unit dwellings.
- g. Retail sales establishments.
- h. Professional offices and studios.
- i. Medical, dental, and other health care facilities.
- j. Financial institutions.
- k. Personal service establishments primarily engaged in providing services involving the care of a person or their personal goods or apparel. These services include, but are not limited to, laundry, linen supply, beauty and barber shops, shoe repair, clothing rental, consignment shops and tailor shops.
- l. Food service establishments.
- m. Social membership clubs.
- n. Inns and Bed & Breakfast establishments.
- o. Places of worship.
- p. Educational and day care facilities.
- q. Congregate care and assisted living facilities.
- r. Governmental uses of land and buildings.
- s. Animal hospitals.

SECTION XXIII VILLAGE DISTRICT ZONE AREA REGULATIONS (Added March 2011)

1. RESTRICTIONS AND SPECIAL PROVISIONS

- a. The areas of the Village District Zones shall be defined as the lots indicated in Appendix A of this ordinance.
- b. The property owner must occupy one of the units unless otherwise approved by the Planning Board.
- c. Dimensional Requirements
 - 1) All buildings shall be setback a minimum of fifteen feet (15') from lot lines other than the front lot line; and shall have a setback of between fifteen feet (15') and thirty feet (30') from the front lot line, except in cases where the average front lot line setback of existing properties within five hundred feet (500') in both directions, along and on the same side of the street is less. In such

cases the required minimum front lot line setback may be taken as that average distance.

- 2) No building height shall exceed 2.5 stories or thirty-five feet (35').
- d. Drive-through service windows are prohibited.
- e. Outdoor storage and/or display of non-agricultural goods, products, materials, and equipment shall be prohibited. Outdoor storage and display may be permitted by the Planning Board with non-residential site plan approval if deemed in keeping with the stated District objectives.
- f. In no case shall the first floor area of any single building exceed six thousand five hundred thirty-four (6,534) square feet.
- g. Two or more permitted uses may be allowed on a single lot or within a single structure. However, in no case shall a non-residential use occur on the same lot as a multi-unit dwelling.
- h. Shared parking facilities and driveways shall be provided and the parking space requirements reduced where shared parking is designed to maximize complimentary uses and it has been demonstrated to the Planning Board that sufficient parking will be available when it is needed.
- i. Existing buildings, with historical significance, as identified in the Newton Master Plan, should be preserved and reused for allowed uses with shared parking and driveways. Shared parking would be located to minimize its visual impact in order to preserve the village character. Existing buildings are not subject to the dimensional requirements set by this District.
- j. Buildings shall be designed and sited to maintain views and vistas.
- k. The Planning Board may require public space or open square for outdoor activities, including ADA accessible pedestrian walkways, are provided as applicable.
- l. The recommended district land use mix in total build out occupiable square footage is 40% retail and service uses, 40% offices and 20% residential. The Planning Board will review each proposal for compliance with the recommended land use mix and the district purpose.
- m. Within fifty feet (50') of a right-of-way, all parking shall be located to the side and/or rear of all existing or proposed buildings.
- n. A change of use to existing principle or accessory structures shall be allowed and shall also comply with all local ordinances and regulations.
- o. No materials defined as hazardous under 49 U.S.C. 5103 will be used or stored on the premise.
- p. Applicants shall demonstrate that historic structures and features are maintained and preserved to the extent possible and reasonable, as determined by the Planning Board.
- q. The Planning Board may create Subdivision and Site Plan Review Regulations to implement the provisions of this Ordinance.

2. SPECIAL USE PERMITS FOR NON-CONFORMING STRUCTURES AND LOTS

Pursuant to the authority granted by RSA 674:21, Innovative Land Use Controls, the Planning Board shall be authorized to permit a change of use to property that is non-conforming with respect to dimensional requirements, provided the following criteria are met:

- a. That the proposed use, in the opinion of the Planning Board, can adequately and safely be accommodated on the property.

- b. That adequate landscaping, buffering, and fencing is provided as necessary to minimize impacts on adjoining properties.
- c. That adequate and safe access can be provided to the property.

SECTION XXIV LIGHT INDUSTRIAL/COMMERCIAL ZONE USES (Amended March 1986, amended November 1986, amended March 1995)

In this zone, no building or structure or premises shall be erected or altered and no building, structure or premises shall be used for any purpose except the following:

1. The Light Industrial/Commercial Zone(s) is intended for use and development of research laboratories, office buildings, selected light industries, warehousing, service or utility businesses.

Uses permitted subject to Site Plan Approval by the Planning Board.

- a. Any Commercial uses defined in Section XX of Newton Zoning Ordinance not including Residential Use.
- b. Research laboratories with incidental processing or pilot manufacture, but excluding Biological or Chemical Laboratories.
- c. Office buildings.
- d. Any lawful warehousing excluding warehousing of biological chemical materials; service or utility business not in conflict with the public health, safety, convenience or welfare or substantially detrimental or offensive to adjacent zones or destructive of property values, when permitted by the Planning Board.
- e. Light manufacturing enterprises, except biological and chemical manufacturing; provided that such activities will not be offensive, injurious, or noxious because of gas, dirt, sewerage and refuse, vibration, smoke, fumes, dust, odors, danger of fire, or explosion, or other characteristics detrimental or offensive that tend to reduce property values in the same or adjoining districts.
- f. Any customary accessory uses incidental to above, including parking and parking structures, support and maintenance shops, concessions and services located within a principal building with no exterior evidence of such concessions and services, and recreational facilities for the use of employees in Industrial Districts.
- g. Temporary structures provided the permit for such use shall be limited to a term not to exceed ninety (90) days and a bond is posted to ensure removal.
- h. The display of not more than 100 square feet of signage providing the sign is not oscillating, flashing or operated with moving parts and providing further that no sign shall be located closer than 50 feet from any Residential Zone. No sign shall be greater than 32 square feet in size. (Amended March 2004)

Provided however, that before granting a permit for any of the foregoing uses permitted in a Light Industrial/Commercial Zone, the Planning Board shall determine that all of the conditions and requirements of the Site Plan and all its pertaining ordinances are fully complied with.

2. Before any building permit may be granted by the Building Inspector for any buildings, structures or uses in a Light Industrial/Commercial Zone for which approval has been granted by the Planning Board as herein above provided, there shall first be submitted to the Building Inspector such detailed plans as shall evidence that such buildings, structures, and uses conform to the following minimum standards for design,

construction, use and operation, and such plans shall be certified as to compliance by the architects or engineers responsible for such plans.

3. Non-Residential Site Plan Final Approval must be obtained from the Newton Planning Board before a building permit is granted. (Amended March 1995, amended March 2012)

SECTION XXV LIGHT INDUSTRIAL/COMMERCIAL ZONE AREA REGULATIONS (Amended November 1986)

1. Location on Lot: (Amended March 2004, amended March 2009, amended March 2013)
 - a. Side yard 200 foot structural setback with a minimum 50 foot undisturbed natural buffer when abutting any other zone. Any additional buffer that may be required by the Planning Board up to but not exceeding 1,500 feet for a side yard that abuts any other zone.
 - b. Rear yard 200 foot structural setback with a minimum 50 foot undisturbed natural buffer when abutting any other zone. Any additional buffer that may be required by the Planning Board up to but not exceeding 1,500 feet for a rear yard that abuts any other zone, plus adequate provision for off-street parking as determined by the Planning Board.
 - c. No building shall be set within 75 feet of the centerline of the street nor within 50 feet of any lot line within the Light Industrial/Commercial Zone.

The Planning Board is empowered to reduce the buffer sizes, as justice may require, but may not reduce them below the lot-line set-backs as listed above. (Added March 2009)

2. Site plans shall be submitted to the Planning Board for review and approval prior to the commencement of any construction on the property.
3. No more than 60% of any lot area in the Light Industrial/Commercial Zone shall be covered. (Added March 1989)
4. Height Restriction: No building or structure shall be more than three (3) stories high nor have a total height greater than 35 feet. (This restriction does not apply to elevator machinery rooms, air conditioners, heating systems, communication antennas, or radio and television receiving antennas.) (Added March 1989, amended March 2003)
4. Lot Area: Each lot shall have not less than 150 feet of contiguous frontage on a Class I, II, III, IV, or V highway and an area not less than 60,000 square feet. (Added March 1999)